

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ELIOT PAUL GOULD,

Plaintiff,

vs.

Civ. No. 08-0505 MV/DJS

JOSEPH CAMPBELL, *et al.*,


Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Plaintiff's Motion to Issue Summons, filed June 9, 2008, [Doc. No. 10]. In his motion, Plaintiff requests that the Court issue summons to every person whose signature appears on an attached nominating petition. Plaintiff's motion is procedurally improper. A summons is prepared by a plaintiff and issued by the clerk's office. *See* Fed. R. Civ. P. 4. A summons is *not* obtained by filing a motion. Furthermore, a summons is only issued to a defendant in a case, not to third parties. *Id.* To the extent Plaintiff intended to seek subpoenas for these third parties, the motion still fails. Subpoenas are also issued by the clerk and served by the requesting party. *See* Fed. R. Civ. P. 45.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Issue Summons, filed June 9, 2008, [Doc. No. 10], is **DENIED**. Plaintiff, who has filed a number of improper motions to date, is instructed to read the Federal Rules of Civil Procedure as well as this Court's Local Civil Rules.

DATED this 11th day of June, 2008.



MARTHA VÁZQUEZ
Chief District Court Judge